

REMARKS/ARGUMENT

Claims 1, 2 and 4-8 cancelled. Claim 3, 9, 11-14 are amended. The amendment to claim 3 is to place this claim in independent form. The amendment to claim 9 is for clarification purposes only and not intended to limit the scope of this claim in any way.

The drawings are objected to under 37 C.F.R. § 1.83(a) as not showing every feature of the claimed invention. The disclosure is objected to as not identifying elements in claim 7. Claim 9 is objected to as including informalities. Claims 1-6 and 8-14 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,333,459 to Sato et al. ("Sato"). Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Sato. Reconsideration of the application in light of the remarks below is respectfully requested.

Drawing and Specification

The drawings are objected to under 37 CFR § 1.83(a) and the specification is objected to as not showing limitations in claim 7. To facilitate prosecution on the merits, claim 7 is cancelled.

Claim Objections

Claim 9 is objected to as containing informalities. The Office Action states "applicant has improperly deleted 'second' in line 6 after 'and' of claim 9" Applicant has reviewed this claim, and it does not appear that the word "second" would be properly placed after the word "and" in line 6 of claim 9. Applicant has also reviewed the other pending claims and believes that the claims are proper as currently written.

Objections Based on 35 USC § 102

Claims 1-6 and 8-14 are rejected under 35 USC § 102 as being anticipated by Sato. To facilitate prosecution on the merits, claims 1, 2 and 4-8 are cancelled.

Among the limitations of now independent claim 3 which are neither shown nor suggested in Sato are:

“said elastic member is disposed between said printed circuit board and said first casing and between said printed board and said second casing.”

Among the limitations of independent claim 9 which are neither shown nor suggested in Sato are:

“arranging said printing board on one of said first and second casings within an elastic member positioned between said printed board and said one of said first and second casings . . . assembling the other of said first and second casings to said one of said first and second casings while interpositioning said elastic member between said other of said first and second casings and said printed board.”

The Office Action, in rejecting these claims, does not assert that these limitations are shown in Sato. The Office Action appears to focus only on the limitations of independent claim 1 and not on the limitations of now independent claim 3 and independent claim 9. Additionally, the Sato reference does not show a single elastic member which is disposed both between the printed board and a first casing and between the printed board and a second casing as claimed in now independent claim 3. Sato also does not show positioning a single elastic member between a printed board and a first casing and the same elastic member between circuit board and a second casing as claimed in independent claim 9. The Office Action points to cushion elements 48, 50 and 53 of Sato as corresponding to the claimed elastic member. A review of, for example, Fig. 2 of Sato, shows that none of these elements are disposed as claimed.

Therefore, it is asserted that independent claims 3 and 9 are patentable over Sato. Dependent claim 10 includes the above referenced limitations of independent claim 9 and includes further limitations which, in combination with the limitations of independent claim 9, are also neither disclosed nor suggested in Sato. It is asserted that this claim is patentable as well.

Among the limitations of independent claim 11, which are neither shown nor suggested in Sato are:

“a cushion in contact with both the housing and the printed circuit board so as to support the printed circuit board within the housing.”

None of the cushion members 48, 50, 53 of Sato cited in the Office Action contact circuit board 10. See, e.g., Fig. 2 of Sato. Therefore, it is asserted that independent claim 11 is patentable over the art of record. Dependent claims 12-14 include the above limitations of independent claim 11 and include further limitations which, in combination with the limitations of independent claim 11, are also neither disclosed nor suggested in Sato. It is asserted that these claims are patentable as well.

Reconsideration of the rejection of claims 3 and 9-14 under 35 U.S.C. § 102 is respectfully requested in light of the remarks above.

Dated: February 14, 2003

Respectfully submitted,

By 

Steven S. Rubin

Registration No.: 43,063

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas
41st Floor

New York, New York 10036-2714
(212) 835-1400

Attorneys for Applicant

SIW/SSR/hc